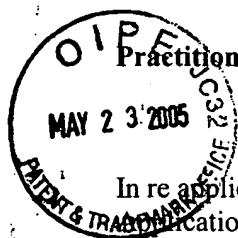


JFW



Practitioner's Docket No. 2550/174

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wachtmann et al.

Application No.: 10/601,980

Date Filed: 06/23/2003

For: Apparatus and Method of Forming a Device Layer

Group No.: 2818

Examiner: Tran, Long

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: May 20, 2005

Jay Sandvos

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col. 1) | (Col. 2) | (Col. 3) | OTHER THAN A SMALL ENTITY | | | | |
|---|---|---------------------------------------|------------------|---------------------------|---|---------------|--|--|
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | | | | | |
| | | | | RATE | | ADDIT. FEE | | |
| TOTAL | 20 | – 20 | = 0 | x \$ 50.00 | = | \$ 0.00 | | |
| INDEP. | 3 | – 3 | = 0 | x \$ 200.00 | = | \$ 0.00 | | |
| | | | | ***Multi dependent claim | | | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$ CO*** | = | \$ 0.00 | | |
| | | | | TOTAL | | | | |
| | | | | ADDIT. FEE \$ 0.00 | | | | |

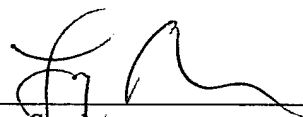
No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Date: May 20, 2005


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02550/00174 387893.1




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------|---|------------------|--------------|
| Applicant: | Wachtmann et al. | Attorney Docket: | 2550/174 |
| Serial No.: | 10/601,980 | Art Unit: | 2818 |
| Filing Date: | June 23, 2003 | Examiner: | Tran, Long |
| Invention: | Apparatus and Method of Forming a Device Layer | Date: | May 20, 2005 |

Certificate Of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on May 20, 2005.


Jay Santos

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendments to the Claims
37 CFR 1.121(h)

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed May 16, 2005, Applicants supply the enclosed corrected Amendments to the Claims.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.